## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

THOMAS WESLEY SMITH,	)	
AIS 206280,	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO 10-00513-KD-C
	)	
DAVID WISE,	)	
Defendant.	)	
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**ORDER** 

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 13, 2011, is **ADOPTED** as the opinion of this Court.

DONE and ORDERED this the 3<sup>rd</sup> day of February 2011.

/s/ Kristi K. DuBose KRISTI K. DuBOSE UNITED STATES DISTRICT JUDGE